

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WADE PATRICK TODD,

Defendant.

CR 00-61-GF-DLC

ORDER

**FILED**

**OCT 02 2013**

Clerk, U.S. District Court  
District Of Montana  
Missoula

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on October 1, 2013. Defendant admitted he had violated Special Condition 1 by consuming alcohol, violated Special Condition 4 by failing to complete a sex offender treatment program, and violated Standard Condition 11 by failing to notify the probation office of his arrest by law enforcement. Judge Strong found the admission sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United

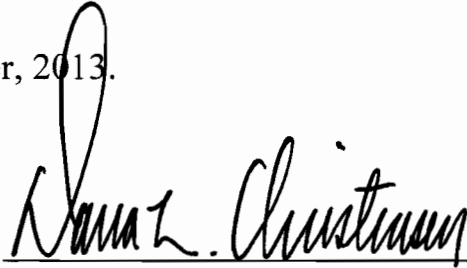
States Bureau of Prisons for a term of imprisonment of 11 months, with 49 months of supervised release to follow. He also recommended that Defendant be placed at the Bureau of Prisons' facility in Rochester, Minnesota, and that Defendant receive all available mental health treatment while incarcerated.

Each party waived his or its right to object to Judge Strong's findings and recommendations. The findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9<sup>th</sup> Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated Special Conditions 1 and 4, and violated Standard Condition 11. Defendant could be imprisoned up to 60 months, followed by 5 years of supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 5 to 11 months. A sentence of 11 months in custody is appropriate because Defendant's underlying offense was aggravated sexual abuse of a child, and his failure to complete sex offender treatment and his continued use of alcohol make him a serious danger to the community. A lengthy period of supervised release is appropriate because it will provide Defendant the support and structure needed to address his alcohol abuse problem and his mental health issues.

IT IS ORDERED that Judge Strong's Findings and Recommendations  
(doc. 61) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 2<sup>nd</sup> day of October, 2013.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief Judge  
United States District Court